

### REMARKS

Favorable reconsideration of the application is respectfully requested in light of the amendments and remarks herein.

Upon entry of this amendment, claims 1-2, 4-13, and 15-22 will be pending. By this amendment claims 3 and 14 have been canceled; and claims 1, 2, 12, and 13 have been amended. No new matter has been added.

#### §102 Rejection of Claims 1-2, 4-13, and 15-22

In Section 2 of the Office Action, the Examiner has rejected claims 1-2, 4-13, and 15-22 under 35 U.S.C. §102(b) as being anticipated by Weiser *et al.* (U.S. Patent No. 5,485,634; hereinafter referred to as "Weiser"). Claims 1 and 12 have been amended to address the rejection.

In the Background section of the Specification, it was disclosed that "[i]n the current state of the art[,] mobile agents are migrating between computing nodes of the internet. Because the communication costs in the internet are very low and the available bandwidth is sufficient, the migration step does not cause any problems and as many migration steps as necessary can be performed without significant limitation. However, the communication costs over wireless communication links are high and the available bandwidth is low. The future communication systems will consist of combinations of wireless telecommunication, mobile computing, and so on, so that the available quality of service will vary on a large scale as users move back and forth between high-speed wireless networks and costly low-speed cellular networks." *Background of the Specification, page 2, lines 1-9.*

To solve the above-stated shortcomings of the conventional mobile agents, embodiments of the present invention provide a mobile agent system and method that controls “the migration of mobile agents in an effective and flexible way.” For example, the structure of mobile agent system claim 1, as presented herein, includes:

“*at least one mobile agent* (3) comprising an allocated agent policy (8), in which migration parameters of the respective mobile agent are defined;

*migration control means* (16) for controlling the migration behavior of a mobile agent (3) in the communication system on the basis of a current migration policy of the mobile agent (3) and current parameters of the communication system,

wherein the current migration policy of the mobile agent defines the way the mobile agent system checks current network parameters; and

*policy control means* for selecting the current migration policy of the mobile agent on the basis of the allocated agent policy of the mobile agent and a system policy, which is a policy selected from a default system policy or an agent type specific policy,

said policy control means operating to override the selected current migration policy with a user command when the user command defining the current migration policy is received.”

*(emphasis added)*

Therefore, the mobile agent system of claim 1 includes at least one mobile agent; a migration control means for controlling the migration behavior based on the current migration policy that defines the way the mobile agent system checks current network parameters; and a policy control means operating to override the selected current migration policy with a user command when the user command defining the current migration policy is received.

Although Weiser discusses “room-level policies” and “internal policies”, and these “policies” acting as filters to enforce the rules within the “policies”, Weiser fails to teach or suggest a mobile agent system including at least one mobile agent; a migration control means for

controlling the migration behavior based on the current migration policy that defines the way the mobile agent system checks current network parameters; and a policy control means operating to overrule the selected current migration policy with a user command when the user command defining the current migration policy is received.

Based on the foregoing discussion, it is maintained claim 1 should be allowable over Weiser. Furthermore, since independent claim 12 closely parallels, and includes substantially similar limitations as, independent claim 1, claim 12 should also be allowable over Weiser. Since claims 2 and 4-11 depend from claim 1, and claims 13 and 15-22 depend from claim 12, claims 2, 4-11, 13, and 15-22 should also be allowable over Weiser.

Accordingly, it is submitted that the Examiner's rejection of claims 1-2, 4-13, and 15-22 based upon 35 U.S.C. §102(b) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

#### Conclusion

In view of the foregoing, entry of this amendment, and the allowance of this application with claims 1-2, 4-13, and 15-22 are respectfully solicited.

In regard to the claims amended herein and throughout the prosecution of this application, it is submitted that these claims, as originally presented, are patentably distinct over the prior art of record, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes that have been made to these claims were not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes were made simply for clarification and to round out the scope of protection to which Applicant is entitled.

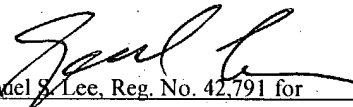
In the event that additional cooperation in this case may be helpful to complete its prosecution, the Examiner is cordially invited to contact Applicant's representative at the telephone number written below.

The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account 50-0320.

Respectfully submitted,

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